

### **REMARKS**

This application has been reviewed in light of the Office Action dated May 21, 2004. Claims 1-26 are pending in the application. Claims 1, 5, 18, 19 and 21 are amended in a manner that Applicant believes overcome the rejections in the Office Action. Support for the amendments can be found throughout the specification and figures of the present disclosure and recite aspects of the disclosure that Applicant is believed to be entitled. Applicant submits that no new matter or issues are introduced by the amendments.

Initially, Applicant gratefully acknowledges the allowability of the subject matter recited in claims 16 and 20. Applicant, however, respectfully submits that in view of the amendments and remarks herein, all claims presently pending in the application are allowable over the art of record.

In the Office Action, claims 1-4 and 21-23 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,968,021 to Ejlersen (Ejlersen '021). However, it is respectfully submitted that amended independent claim 1, claims 2-4 depending therefrom, amended independent claim 21 and claims 22-23 depending therefrom, clearly and patentably distinguish over the Ejlersen '021 patent.

Referring to Figs. 1-3, the Ejlersen '021 patent discloses ribs 9 that center a connecting piece 4 with a sleeve 3. (col. 4, lines 26-31). Ribs 9 engage a lateral surface of piece 4 to prevent wriggling thereof. A distal end surface 5 of piece 4 does not engage ribs 9. A needle hub 2 is disposed outside of the cavity defined by sleeve 3.

In contrast, amended claim 1 of the present application recites “[a] needle assembly comprising: a needle hub defining an interior cavity having a distal end and at least one non-sealing rigid fin being disposed therein that intersects an interior surface of the needle hub that defines the interior cavity wherein, the at least one fin extends longitudinally a fixed distance from the distal end of the interior cavity to a proximal facing surface, the proximal facing surface engaging a distal most facing surface of an elongated barrel tip of the needle assembly when disposed within the interior cavity.” Amended claim 21 of the present application recites “[a] needle hub including a needle support and defining an interior cavity about at least a portion of

the needle support such that the needle support extends into the interior cavity, the needle support defining a needle cavity and the needle hub further including at least one non-sealing rigid fin that intersects an interior surface of the needle hub that defines the interior cavity, the at least one fin extending longitudinally a fixed distance from a distal end of the interior cavity to a proximal facing engagement surface disposed within the interior cavity.”

The Ejlersen '021 patent in no way discloses or suggests structure as recited in amended claims 1 and 21. The Ejlersen '021 patent does not disclose, *inter alia*, a needle hub, having a non-sealing rigid fin that extends longitudinally to a proximal facing surface that engages a distal most facing surface of an elongated barrel tip, or including a needle support and defining an interior cavity about at least a portion of the needle support such that the needle support extends into the interior cavity.

Because of the above distinctions, it is respectfully submitted that amended independent claim 1, claims 2-4 depending therefrom, amended independent claim 21 and claims 22-23 depending therefrom are patentable and not obvious over the Ejlersen '021 patent. Reconsideration and withdrawal of the rejections are respectfully requested.

In the Office Action, claims 1-7, 10-15, 17, 18 and 21-23 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,964,737 to Caizza (Caizza '737). However, it is respectfully submitted that amended independent claim 1, claims 2-4 depending therefrom, amended independent claim 5, claims 6, 7, 10-15 and 17 depending therefrom, amended independent claim 18, amended independent claim 21 and claims 22-23 depending therefrom, clearly and patentably distinguish over the Caizza '737 patent.

Referring to FIGS. 7 and 8, the Caizza '737 patent discloses an elastic plug 34, whereby the elastic properties are critical to the disclosure to account for independence of manufacturing tolerances. (col. 6, lines 44-68). The Caizza '737 patent indicates:

*...[h]owever, it is critical that the attachment method chosen does not interfere with the elastic properties of the resilient member 34 or elastomeric plug 134. This feature is critical to the present invention because it is the elastic*

*properties of the resilient member 34 and the elastomeric plug 134 that is responsible for the independence of the manufacturing tolerances.*

In contrast, amended claims 1 and 21 have been discussed.. Amended claim 5 of the present application recites, *inter alia*, “[a] needle hub including a needle support and defining an interior cavity about at least a portion of the needle support, the interior cavity having at least one non-sealing rigid fin formed therein ... Amended claim 18 of the present application recites, *inter alia*, “[a] needle assembly comprising... a non-sealing rigid needle hub means for engaging the barrel tip in a configuration to minimize fluid waste.”

The Caizza `737 patent in no way discloses or suggests structure as recited in amended claims 1, 5, 18 and 21. The Caizza `737 patent does not disclose, *inter alia*, a needle hub having a non-sealing rigid fin disposed within an interior cavity thereof for engagement. Rather, the Caizza `737 patent shows an elastic plug, the elasticity of which is critical to its operation.

Because of the above distinctions, it is respectfully submitted that amended independent claim 1, claims 2-4 depending therefrom, amended independent claim 5, claims 6, 7, 10-15 and 17 depending therefrom, amended independent claim 18, amended independent claim 21 and claims 22-23 depending therefrom are patentable and not obvious over the Caizza `737 patent. Reconsideration and withdrawal of the rejections are respectfully requested.

In the Office Action, claims 1-4 and 21-26 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 4,747,839 to Tarello et al. (Tarello `839). However, it is respectfully submitted that amended independent claim 1, claims 2-4 depending therefrom, amended independent claim 21 and claims 22-26 depending therefrom, clearly and patentably distinguish over the Tarello `839 patent.

Referring to FIG. 2, the Tarello `839 patent discloses a forward end 14 of a syringe barrel 12 that has a flange 20 for attachment with a needle hub 34. (col. 3, lines 12-14 and 36-37). A spike 66 extends from an inner surface 68 of hub 34. (col. 4, lines 7-9).

The Tarello `839 patent in no way discloses or suggests structure as recited in amended claims 1 and 21. The Tarello `839 patent does not disclose, *inter alia*, a needle hub, having a

non-sealing rigid fin that extends longitudinally to a proximal facing surface that engages a distal most facing surface of an elongated barrel tip, or including a needle support and defining an interior cavity about at least a portion of the needle support such that the needle support extends into the interior cavity.

Because of the above distinctions, it is respectfully submitted that amended independent claim 1, claims 2-4 depending therefrom, amended independent claim 21 and claims 22-26 depending therefrom are patentable and not obvious over the Tarello '839 patent. Reconsideration and withdrawal of the rejections are respectfully requested.

In the Office Action, claims 1-15, 19 and 21-26 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 4,568,336 to Cooper (Cooper '336). However, it is respectfully submitted that amended independent claim 1, claims 2-4 depending therefrom, amended independent claim 5, claims 6-15 depending therefrom, amended independent claim 19, amended independent claim 21 and claims 22-26 depending therefrom, clearly and patentably distinguish over the Cooper '336 patent.

Referring to FIG. 5, the Cooper '336 patent discloses a syringe body 11 having an aluminum cap 27. (col. 3, lines 8-10 and 37-39). A holding assembly 33 includes securing elements 36, 38 (col. 3, lines 46-50) that are movable to grasp cap 27. (col. 4, lines 50-62).

In contrast, amended claims 1, 5 and 21 have been discussed. Amended claim 19 of the present application recites, *inter alia*, "[a] needle hub... having four non-sealing rigid fins formed at a distal portion thereof ..."

The Cooper '336 patent in no way discloses or suggests structure as recited in amended claims 1, 5, 19 and 21. The Cooper '336 patent does not disclose, *inter alia*, a needle hub having a non-sealing rigid fin disposed within an interior cavity thereof. Because of the above distinctions, it is respectfully submitted that amended independent claim 1, claims 2-4 depending therefrom, amended independent claim 5, claims 6-15 depending therefrom, amended independent claim 19, amended independent claim 21 and claims 22-26 depending therefrom are patentable and

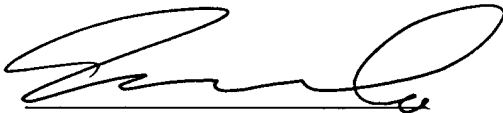
not obvious over the Cooper '336 patent. Reconsideration and withdrawal of the rejections are respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1-26 presently pending in the application are believed to be in condition for allowance and patentably distinguish over the art of record. An early notice thereof is earnestly solicited.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call the Applicants' undersigned attorney.

Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-0369. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-0369 therefor.

Respectfully submitted,



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